

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority (the Board), pursuant to the authority set forth in Section 216 of the *Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996*, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Official Code §§ 34-2202.03(3), (11) and 34-2202.16)(2010 Repl.), and in accordance with Section 6(a) of the *District of Columbia Administrative Procedure Act*, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a)), and in accordance with chapter 40 of title 21 of the District of Columbia Municipal Regulations (DCMR), at its regularly scheduled meeting on July 7, 2011, took final action through adoption of Resolution # 11-81 to amend sections 4100 (Rates for Water Service) and 4101 (Rates for Sewer Service) of chapter 41 (Retail Water and Sewer Rates) and sections 112 (Fees) and 199 (Definitions) of chapter 1 (Water Supply) of title 21 (Water and Sanitation) of the DCMR.

Pursuant to Board Resolution # 11-23, the Authority's proposed rulemaking was published in the *D.C. Register* on March 4, 2011, at 58 DCR 1655. A notice of public hearing was published in the *D.C. Register* on April 1, 2011, at 58 DCR 2824, and the public hearing was held on May 11, 2011. The record of the public hearing remained open until June 10, 2011 to receive written comments. The Authority also conducted eight (8) town hall and three (3) community meetings from March 1, 2011 through April 30, 2011 to receive comments on the rate and fee proposals. On June 28, 2011, the Retail Water and Sewer Rates Committee met to consider the comments offered at the May 11, 2011 public hearing and during the public comment.

On July 7, 2011, the Board, through Resolution # 11-81, voted after consideration of all comments received and the report of the Retail Water and Sewer Rates Committee to amend the DCMR to: increase the retail metered water service rates from \$3.10 per One Hundred Cubic Feet of water used to \$3.24 per One Hundred Cubic Feet of water used; increase the retail metered sewer service rates from \$3.79 per One Hundred Cubic Feet of water used to \$3.96; increase the annual Clean Rivers Impervious Surface Area Charge from \$41.40 to \$79.68 per Equivalent Residential Unit; increase the Right of Way Occupancy Fee Pass Through Charge from \$0.14 to \$0.15 per One Hundred Cubic Feet of water used; and maintain the PILOT Fee at \$0.49 per One Hundred Cubic Feet of water used.

No changes were made to the substance of the proposed regulations. Clarifying revisions were made in section 112.8(b) of title 21 of the DCMR to reflect that the PILOT Fee remains the same and all other final rates and fees are within the ranges proposed. These revisions do not substantially alter or change the intent, meaning, or application of the proposed rules.

This final rulemaking will become effective October 1, 2011.

Section 4100, RATES FOR WATER SERVICE, of chapter 41, RETAIL WATER AND SEWER RATES, of title 21, WATER AND SANITATION, of the DCMR is amended as follows:

Subsection 4100.3 is amended to read as follows:

- 4100.3 Effective October 1, 2011, the rate for retail metered water service shall be increased from Three Dollars and Ten Cents (\$3.10) for each One Hundred Cubic Feet (CCF) (or the equivalent of Four Dollars and Fourteen Cents (\$4.14) for each One Thousand (1,000) Gallons (1 CCF equals Seven Hundred Forty-Eight and Five hundredths (748.05) Gallons)) of water used to:
- (a) Residential Customers: Three Dollars and Twenty-Four Cents (\$3.24) per CCF (or the equivalent of Four Dollars and Thirty-Three Cents (\$4.33) for each One Thousand (1,000) Gallons) of water used.
 - (b) Non-Residential Customers: Three Dollars and Twenty-Four Cents (\$3.24) per CCF (or the equivalent of Four Dollars and Thirty-Three Cents (\$4.33) for each One Thousand (1,000) Gallons) of water used.

Section 4101, RATES FOR SEWER SERVICE, of chapter 41, RETAIL WATER AND SEWER RATES, of title 21, WATER AND SANITATION, of the DCMR is amended as follows:**Subsection 4101.1 is amended to read as follows:**

- 4101.1 Effective October 1, 2011, the rates for sanitary sewer service shall be:
- (a) The retail sanitary sewer service rate shall be increased from Three Dollars and Seventy-Nine Cents (\$3.79) for each One Hundred Cubic Feet (CCF) (or Five Dollars and Seven Cents (\$5.07) for each One Thousand (1,000) Gallons (1 CCF equals Seven Hundred Forty-Eight and Five hundredths (748.05) Gallons)) of water used to:
 - (1) Residential Customers: Three Dollars and Ninety-Six Cents (\$3.96) per CCF (or the equivalent of Five Dollars and Twenty-Nine Cents (\$5.29) for each One Thousand (1,000) Gallons) of water used;
 - (2) Non-Residential Customers: Three Dollars and Ninety-Six Cents (\$3.96) per CCF (or the equivalent of Five Dollars and Twenty-Nine Cents (\$5.29) for each One Thousand (1,000) Gallons) of water used; and
 - (b) The annual Clean Rivers Impervious Surface Area Charge (IAC) shall be increased from Forty-One Dollars and Forty Cents (\$41.40), billed monthly at Three Dollars and Forty-Five Cents (\$3.45), per Equivalent Residential Unit (ERU) to Seventy-Nine Dollars and Sixty-Eight Cents (\$79.68) per ERU, billed monthly as follows:

- (1) Residential Customers: Six Dollars and Sixty-Four Cents (\$6.64) per month for each ERU;
- (2) Non-Residential Customers: Six Dollars and Sixty-Four Cents (\$6.64) per month for each ERU.

Section 112, FEES, of chapter 1, WATER SUPPLY, of title 21, WATER AND SANITATION, of the DCMR is amended as follows:

Subsection 112.8 is amended to read as follows:

112.8 RIGHT OF WAY OCCUPANCY FEE PASS THROUGH CHARGE/PILOT FEE - Effective October 1, 2011, the District of Columbia Right of Way Occupancy Fee Pass Through Charge and the Payment in Lieu of Taxes (PILOT) Fee, shall be increased from Sixty-Three Cents (\$0.63) for each One Hundred Cubic Feet (1 CCF) (or the equivalent of Eighty-Four Cents (\$0.84) for each One Thousand (1,000) Gallons (1 CCF equals Seven Hundred Forty-Eight and Five hundredths (748.05) Gallons)) to Sixty-Four Cents (\$0.64) for each One Hundred Cubic Feet (1 CCF) (or the equivalent of Eighty-Five Cents (\$0.85) for each One Thousand (1,000) Gallons) of water used, divided as follows:

- (a) District of Columbia Right of Way Fee, assessed to recover the cost of fees charged by the District of Columbia to D.C. Water and Sewer Authority for use of District of Columbia public space and rights of way: An increase from Fourteen Cents (\$0.14) per CCF (or the equivalent of Nineteen Cents (\$0.19) per One Thousand (1,000) Gallons) of water used to:
 - (1) Residential Customers: Fifteen Cents (\$0.15) per CCF (or the equivalent of Twenty Cents (\$0.20) per One Thousand (1,000) Gallons) of water used;
 - (2) Non-Residential Customers: Fifteen Cents (\$0.15) per CCF (or the equivalent of Twenty Cents (\$0.20) per One Thousand (1,000) Gallons) of water used; and
- (b) Payment in Lieu of Taxes to the Office of the Chief Financial Officer (OCFO) of the District of Columbia, assessed to cover the amount which D.C. Water and Sewer Authority pays each fiscal year to the District of Columbia, consistent with D.C. Water and Sewer Authority's enabling statute for public goods and services received from the District of Columbia: At Forty-Nine Cents (\$0.49) per CCF (or the equivalent of Sixty-Five Cents (\$0.65) per One Thousand (1,000) Gallons) of water used:

- (1) Residential Customers: Forty-Nine Cents (\$0.49) per CCF (or the equivalent of Sixty-Five Cents (\$0.65) per One Thousand (1,000) Gallons) of water used;
- (2) Non-Residential Customers: Forty-Nine Cents (\$0.49) per CCF (or the equivalent of Sixty-Five Cents (\$0.65) per One Thousand (1,000) Gallons) of water used.

Section 199, DEFINITIONS, of chapter 1, WATER SUPPLY, of title 21, WATER AND SANITATION, of the DCMR is amended to read as follows:

199 DEFINITIONS

199.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

Department - the District of Columbia Water and Sewer Authority.

Director - the General Manager of the District of Columbia Water and Sewer Authority or his or her lawful agent, representative, or designee.